

## **MINUTES**

### **Montana Fish and Wildlife Commission Meeting**

#### **FWP Headquarters**

**1420 East 6<sup>th</sup> Avenue, Helena, MT**

**April 10, 2014**

Commission Members Present: Dan Vermillion, Chairman, Richard Stuker Vice-Chairman,

Matthew Tourtlotte, Larry Wetsit and Gary Wolfe

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director and FWP Staff.

Guests: April 10, 2014 - See Commission file folder for sign-in sheet.

#### **Topics of Discussion:**

- 1. Call to Order and Pledge of Allegiance**
- 2. Approval of Minutes of March 13, 2014 Commission Meeting**
- 3. Approval of Commission Expenses**
- 4. Commission Reports**
- 5. Director's Report**
- 6. Barney Benkelman 20 Year Recognition**
- 7. Licensing and Funding Advisory Council Update**
- 8. Rocky Mountain Front Heritage Act Resolution**
- 9. Classification of Exotic Wildlife ARM - Proposed**
- 10. Fishing Regulation Setting Process and Annual Nuances Within - Informational**

11. **Glendive Chamber of Commerce and Agriculture Paddlefish Grant Committee – Final**
12. **Fishing Access Site (FAS) Rules – Final**
13. **Commercial Use ARM Rules – Proposed**
14. **2014 Moose, Sheep, Goat Quotas Outside Biennial Quota Ranges – Proposed**
15. **2014-2015 Bitterroot Mountain Lion Hunting Season – Final**
16. **2014 Mountain Lion Quotas – Proposed**
17. **Paradise Valley Elk Brucellosis Plan – Final**
18. **Pine Marten Reintroduction to Belts - Endorsement To Proceed With Full Evaluation**
19. **Region 6 Bighorn Sheep Exclusion Area – Proposed**
20. **2014-2015 Peregrine Falcon Take Allocation – Final**
21. **Blackleaf Wildlife Management Area (WMA) Addition – Final**
22. **Grazing-Farming Leases**
23. **Public Comment – For Issues Not On This Agenda**

**1. Call to Order - Pledge of Allegiance**

Chairman Vermillion called the meeting to order at 8:33 a.m. and led the Pledge of Allegiance.

**2. Approval of Minutes of March 13, 2014 Commission Meeting**

***Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motioned to approve the March 13, 2014 minutes. Motion carried.***

**3. Approval of Commission Expenses**

***Action: Commissioner Stuker moved and Commissioner Wetsit seconded the motion to approve the Commission expenses. Motion Carried.***

**4. Commission Reports**

Commissioner Wolfe stated he received a lot of correspondence regarding the proposed mountain lion season structure in the Bitterroot; good discussions with a variety of people. Received a number of calls and emails on the proposed and modification Elk Brucellosis Plan; majority of the comments were adamantly opposed but they had not seen the current proposal; a lot of interest from a variety of sources;

April 10, 2014

Page 3 of 37

attended a informative brucellosis presentation conducted by Neil Anderson, FWP Wildlife Lab Supervisor at the Montana Sportsmen Alliance meeting in Hamilton. Calls and emails regarding the Rob Ledford grazing lease renewal; signification interest; will be discussed at next month's Commission meeting. Received a call on the Smith River permit system and a letter requesting the number of big horn ram permits be increased in unit 100 because of the relocation from Wild Horse Island. Spoke with a gentleman from the Bitterroot who is concerned there is still too much opportunity for antlerless whitetail in the Bitterroot; needs to be cut back more.

Commissioner Wetsit stated he has received a number of calls, letters and emails regarding the mountain lion issues and Bison Discussion Group; people feeling they need to be involved; explained this is a working group only and there will be time for the public to respond. Received a few calls from sportsmen that are concerned of how elk licenses are allocated in the Missouri Breaks. Attended a TIP-Mont meeting.

Commissioner Tourtlotte stated the mountain lion is a signification issue; received a lot of correspondence; complicated issue; need to pay particular attention to and make sure it is done right. Received a number of calls and emails on the Elk Brucellosis Working Plan; broad range of comments; working group needs to be a diverse and inclusive group of people who have an interest. Received a email and phone call asking to add additional bull elk permits in Region 7. Attended a on-going negotiation meeting with Commission Stuker on the Marias River Wildlife Management access issue; good discussion on different options that would work.

Commissioner Stuker stated he attended the Marias River negotiation; will be interesting to see what the final outcome is. Received numerous calls elk, bison and mountain lion issues. Received a call from a gentleman in Lewistown asking to increase HD 411 whitetail B tags and another conversation regarding late season hunts; need to be proactive with damage hunts. A lot of conversation regarding the upcoming bison meeting and Paradise Valley brucellosis.

Chairman Vermillion reported he has received calls from Russia asking about the buffalo leaving Yellowstone National Park (YNP) because of the seismic activity. Buffalo have been a big issue; a lot of concerns over gut piles being left behind by tribal members; work in progress of how the Department works with the Tribes on this issue. Snow pack is big; preparing for the spring run-off; hopefully will not be a repeat of 2011's floods. Brucellosis has generated a lot of conversations; good discussion going on; more discussions the closer we are to a long lasting permanent solution that is good for both livestock producers and elk. A joint meeting was held on April 9 with the Parks and Recreation Board; interesting discussion on different perspectives as it relates to management of public land and parks; great board; good, fresh ideas. Thanked Commissioner's Stuker and Tourtlotte for taking the time to visit with the Wanken Family; important to sit down face to face and have a conversation with them.

## **5. Director's Report**

Director Hagener reported the Department is working with the Department of Livestock (DOL) and National Park Service (NPS) to update the Interagency Bison Management Plan; a lot of items have been changed. The Department in cooperation with DOL and NPS, pushed approximately 1,000 heard of elk back into YNP; not much food available for the bison to eat within YNP; bison where staying next to the highway for several days causing vehicle accidents; may have to ask NPS to reopen the Stevens Creek trap to put bison into feed. Explained the bison discussion working group and MEPA process; meeting is scheduled for April 15-16 to discuss frameworks and alternatives. Released request for proposals for people interested in the quarantined bison that are currently housed on the Turner Ranch; bison must be removed from Turner's Ranch by November 15; received several verbal questions from tribes and other entities that are interested. Judge McKeon ruled in favor of the State in the court case Citizens for Balanced Use et al. v. Maurier; bison are considered wildlife, not livestock. Governor's Office stated they will have an executive order proposed on the conservation future and how the Department will manage sage grouse, by the end of April. Finalizing plans and agenda for the May Commission tour, open house and meeting set in northeastern Montana. Met with the Environmental Quality Council (EQC) to discuss sage grouse, block management program, forest management program, Licensing and Funding Council and Private Land/Public Wildlife Council.

April 10, 2014

Page 4 of 37

**6. Barney Benkelman 20 Year Recognition**

Director Hagener recognized Barney Benkelman for his commitment, dedication and 20 years of service with FWP; Benkelman was a key component with establishing the current automated licensing system (ALS).

**7. Licensing and Funding Advisory Council Update**

Sue Daly gave a lengthy update and explanation on the recommendations given by the Licensing and Funding Advisory Council.

**8. Rocky Mountain Front Heritage Act Resolution**

Chairman Vermillion stated this resolution was brought forward by concerned citizens, and variety of groups including Montana Wildlife Federation and Back Country Hunters and Anglers; they worked hard on this legislative proposal.

**Resolution by the Montana Fish and Wildlife Commission in support of the Rocky Mountain Front Heritage Act:**

**WHEREAS:** The Rocky Mountain Front offers some of the best wildlife habitat in Montana and is a land where the plains meet the mountains in abrupt, dramatic fashion, and

**WHEREAS:** the Front is home to numerous native species of Montana wildlife, including big game species such as elk, mule deer, wolves, bighorn sheep, grizzly bears, black bears and moose, and

**WHEREAS:** one of the main threats to wildlife habitat along the Front is the spread of noxious weeds, and combating the spread of these invasives is crucial to maintaining healthy populations of game species, and

April 10, 2014

Page 5 of 37

**WHEREAS:** the area is also home to working cattle ranches that have been actively involved in conservation including numerous ranches with large conservation easements that maintain these working lands in perpetuity, benefiting our state's agricultural economy and wildlife, and

**WHEREAS:** hunter use of the Front region has remained steady over the past five years, despite a difficult economy, demonstrating that the area is a valued destination for hunters throughout Montana, and

**WHEREAS:** the Rocky Mountain Front Heritage Act doesn't impede existing access to lands along the Front, and would not change wildlife management practices in the area, and

**WHEREAS:** the Heritage Act is a collaborative, made-in-Montana effort to protect this landscape that brought together landowners, hunters, conservationists and others to consider multiple stakeholders' interests, and

**WHEREAS:** the combination of conservation management area and wilderness designations within the Heritage Act strikes the balance between the needs of existing recreational and agricultural uses of the public lands in a way that protects critical wildlife habitat.

**NOW, THEREFORE, LET IT BE RESOLVED** that the Montana Fish and Wildlife Commission supports the Rocky Mountain Front Heritage Act and urges its passage to protect our state's incredible, valued public wildlife resources, remarkable habitat, and our rich history of fair chase, ethical hunting.

**Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Fish and Wildlife Commission approve the proposed resolution and support of the Rocky Mountain Heritage Act.**

Commissioner Stuker stated there are many things that he likes and a few that raise concerns; need to consider economic impacts and multiple use as we move forward.

Nick Gevok, Montana Wildlife Association (MWA), thanked the Commission for the support.

Joe Perry, member of the coalition steering committee to protect the front stated the front has little marketable timber, not much economic value; commends the resolution.

Mac Minard, Montana Outfitter and Guides Association (MOGA), board unanimously endorsed the Rocky Mountain Heritage Act; bipartisan effort to preserve the heritages.

**Action on Motion: Motion Passed.**

## **9. Classification of Exotic Wildlife ARM – Proposed**

Mike Lee, Commercial Wildlife Permit coordinator explained to be legally imported into Montana, exotic wildlife must be classified; a review committee evaluates petitions for such classifications. The committee includes FWP, DOL, Department of Agriculture (DOAg), and Department of Public Health and Human Services (PHHS), a representative of the exotic pet trade, and a citizen with an interest in fish and wildlife makes recommendations to the Commission to classify exotic wildlife either as non-controlled, controlled, or prohibited. Recommendations are based on: the environmental impacts caused by the animal if it is released or escapes from captivity, including

April 10, 2014

Page 6 of 37

ecological and economic impacts; the risk the animal would pose to health or safety of the public, wildlife or agriculture; and the ability to readily control and contain the animal in captivity. If approved, the proposed rule changes will be published for public comment. The Classification Review Committee recommends the Commission propose rules to allow for the following classification of exotic wildlife:

**Controlled:** The following exotic wildlife may be possessed in Montana with only with a Controlled Species permit from FWP:

*Coturnix spp.* - several species of small quail including the Japanese Quail and Harlequin Quail

*Macropus robustus* - Wallaroo

**Prohibited:** The importation, transportation or possession of the following species of live wildlife or hybrids thereof, including viable embryos or gametes, is prohibited.

*Trachemys scripta elegans* - Red Eared Slider (pond turtle)

*Ovis ammon* - Argali Sheep

*Ovis aries vignei* - Transcaspian Urial Sheep

*Callipella californica* - California Quail

*Callipepla gambelii* - Gambel's Quail

***Action: Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission propose amendments to the classification of exotic species Administrative Rules of Montana as recommended by the classification review committee.***

Nick Gevok, MWF, supports proposal; commends the Department for getting on front of this.

Dave Pauli, Billings, supports proposal especially the red eared slider; approving the proposal is in the best interest for FWP.

Jim Weatherly, Montana Wild Sheep Foundation (WSF), supports the argali and urial sheep prohibition.

***Action on Motion: Motion Passed.***

April 10, 2014

Page 7 of 37

Bruce Rich, Fisheries Administrator gave a brief update on the water/snow levels.

#### **10. Fishing Regulation Setting Process and Annual Nuances Within – Informational**

Bruce Rich, Fisheries Administrator explained the Commission has authority to make changes to FWP fishing regulations. The process for reviewing and amending fishing regulations is based on a four-year cycle; the first year of each cycle is dedicated to actively soliciting ideas for changes from the public and FWP staff; the following three years of the cycle, ideas are only solicited internally from FWP biologists, fish managers and enforcement personnel. Regulation changes are proposed to the Commission during off-cycle years only if they meet certain criteria: achieve enforcement needs, provide clarification, are important for species conservation, are removing regulations no longer relevant, or fulfill direction provided in management plans. 2014 is an off-cycle year; the next year with full public involvement will be in calendar year 2015 for fishing license year 2016; FWP will post the Department's recommendations for regulation changes on the FWP website prior to the August Commission meeting; after the August meeting and adoption of the proposed regulations, FWP will conduct a 30-day public comment period; following analysis of public input, FWP will prepare recommendations for final regulation changes and present to the Commission at the October meeting. For on-years, additional public scoping is conducted, and input sought, starting in late spring or early summer, well prior to the August commission meeting.

#### **11. Glendive Chamber of Commerce and Agriculture Paddlefish Grant Committee – Final**

Bruce Rich, Fisheries Administrator explained Montana statute allows someone who legally takes a paddlefish from the Yellowstone River (Glendive to North Dakota state line) to donate the paddlefish roe to one Montana nonprofit corporation for processing and marketing as caviar. The Commission selects the nonprofit organization; FWP may extend the permit if the Commission is satisfied with the organization's administration of the program. In 1990, the Commission selected the Glendive Chamber of Commerce & Agriculture and FWP has renewed the Chamber's permit each year. The caviar donation process begins when a paddlefish is brought to the Intake Fishing Access Site (FAS) by an angler or an authorized Chamber representative and is then processed. The roe is donated to the Paddlefish Roe Donation Program and the fish fillets are returned to the angler. The roe is prepared and sold in the global market, where the proceeds are divided between the Chamber and FWP after processing expenses. Thirty percent of the proceeds in excess of costs go to FWP to help manage the paddlefish fishery; seventy percent go to the nonprofit organization to fund historical, cultural, recreational, and fish and wildlife projects. The law requires the Commission to appoint an advisory committee to solicit and review proposals and fund projects with the proceeds; the committee must consist of one member of the nonprofit organization, two local government representatives, and two representatives of area anglers; the committee is required to notify the Commission of its actions. The Chamber is recommending that the Commission appoint the following individuals to the 2014 Paddlefish Roe Advisory Committee:

- Mike Roe - Glendive Area Chamber of Commerce and Agriculture (nonprofit)
- Kevin Dorwart - City of Glendive director of operations (local government)
- Tim Mort - West Glendive Fire Department chief and Dawson County fire warden (local government)
- Kevin McGovern - Reynolds Warehouse Grocery meat cutter in Glendive (area angler)
- James Thielman - Thielman Oil Productions Services, Inc. in Glendive (area angler)

**Action:** *Commissioner Wetsit moved and Commissioner Stuker seconded the motion that the Commission is satisfied with the Chamber's administration of the Paddlefish Roe Program, and that the Commission approve the advisory committee members recommended by the Chamber.*

April 10, 2014

Page 8 of 37

***Action on Motion: Motion Passed.***

## **12. Fishing Access Site (FAS) Rules – Final**

Charlie Sperry, explained FWP is recommending that the Commission adopt a final FAS rule that would replace the current FAS Annual Rule, which was adopted by the Commission in February 2013. The recommended final rule does not contain any changes to the current or proposed rule (see minutes from the January 9, 2014 Commission meeting). Received two comments; one person stated there should be a fee for people who use fishing access sites but don't have a state use or conservation permit, another person expressed concern that regulations and fees at FAS are an impediment to his use of these sites.

***Action: Commissioner Wetsit moved and Commissioner Wolfe seconded the motion that the Commission adopt the final Fishing Access Site Annual Rule as presented. Motion Passed.***

## **13. Commercial Use ARM Rules – Proposed**

Charlie Sperry, explained the commercial use administrative rules originally adopted by the Commission in 2006 and amended in 2009, establish the policy and permit requirements for conducting commercial use on all FWP land, including FAS, wildlife management areas (WMA), and state parks. In 2013, the State Parks and Recreation Board was established and the Commission became the Fish & Wildlife Commission; rather than creating separate sets of rules, FWP is recommending that the Commission and the board jointly adopt commercial use rules that would continue to apply to all FWP land. FWP evaluated the commercial use administrative rules and is recommending that the Commission and the board propose a number of amendments to the current rules. Proposed rule:

### 12.14.101 DEFINITIONS

- (1) "Allocation" means distributing limited use opportunities when a rationing system is in place.
- (2) "Authorization" means written permission granted to a person or entity by the department to conduct commercial use.
- (3) "Board" means the Montana State Parks and Recreation Board of the state of Montana.



## Montana Fish and Wildlife Commission Meeting

April 10, 2014

Page 9 of 37

~~(3)~~ (4) "Commercial use" means any person or entity that utilizes land under the control, administration, and jurisdiction of the Montana Department of Fish, Wildlife and Parks for consideration. Commercial use includes any person, group, or organization, that makes or attempts to make a profit, vend a service or product, receive money, amortize equipment, or obtain goods or services as compensation from participants in activities occurring on land that is under the control, administration, and jurisdiction of the department. This includes nonprofit organizations and educational groups that receive money from participants in activities occurring on department land. This includes a person whose business operates on department land, regardless of that person's physical presence at the site, but does not include a person who rents, sells, or otherwise provides equipment or merchandise that is used on department land unless the renting, selling, delivering, or providing of equipment or merchandise takes place on department land. Examples of commercial use that are governed by these rules include but are not limited to: trail rides, guided walks or tours, float trips, guided angling or hunting, game retrieval, professional dog training, equipment rentals, retail sales, food concessions, filming, firewood cutting, construction-related activities, research when accompanied by paying clients, or any combination thereof.

~~(4)~~ (5) "Commission" means the ~~Department of Fish; and Wildlife and Parks~~ Commission of the state of Montana.

~~(5)~~ (6) "Concession service" means a commercial business that provides multiple services or products on department land. Examples include but are not limited to marinas, lodging, equipment rental or sales, retail sales, and food services.

~~(6)~~ (7) "Consideration" means something of value given or done in exchange for something of value given or done by another.

~~(7)~~ (8) "Department" means the Department of Fish, Wildlife and Parks of the state of Montana.

~~(9)~~ "Department land" means all lands under the control, administration, or jurisdiction of the Department of Fish, Wildlife and Parks.

~~(8)~~ (10) "Educational group" means an organized group that is officially recognized as an educational or scientific institution by a federal, state, or local government entity. Documentation of this recognition must be on institutional letterhead and include a signature by the head of the institution/department and documentation of official educational or scientific tax exemption as granted by the Internal Revenue Service.

~~(9)~~ "Fishing access site" means a site or area designated by the department as a fishing access site.

~~(10)~~ (11) "Guide" means a person who is employed by or who has contracted independently with a licensed outfitter and who accompanies a participant during outdoor recreational activities that are directly related to activities for which the outfitter is licensed.

~~(11)~~ (12) "Mitigation" means an enforceable measure, within the authority of the agency or mutually agreed to by the permit holder that is designed to reduce or prevent undesirable effects or impacts of the proposed use.

~~(12)~~ (13) "Nonprofit organization" means an organization that is officially registered as a 501(c)(3) tax exempt organization.

~~(13)~~ (14) "Outfitter" means any person, except a person providing services on real property that the person owns for the primary pursuit of bona fide agricultural interests, who for consideration provides any saddle or pack animal; facilities; camping equipment; vehicle, watercraft, or other conveyance; or personal service for any person to hunt, trap, capture, take, kill, or pursue any game, including fish, and who accompanies that person, either part or all of the way, on an expedition for any of these purposes or supervises a licensed guide or professional guide in accompanying that person.

~~(14)~~ (15) "Ration" means to regulate use intensity by limiting the amount of use on a site.

~~(15)~~ (16) "Restricted water body" means a body of water regulated by special department rules governing commercial use, such as rules that restrict the timing, location, amount, or type of commercial use that occurs. "Restricted water body" ~~may also mean~~ includes a body of water that is under a cooperative management agreement with another agency concerning commercial use.-

~~(16)~~ (17) "Site" means an individual unit of land, or portion thereof, owned or managed by the department.

~~(17)~~ "State park" means a site or area designated by the department as a state park.

(18) "Water-based service provider" means any person who for consideration provides any facilities; camping equipment; vehicle, watercraft, or other conveyance; or personal service for any person to float or otherwise recreate on the water in the absence of hunting or angling, and who accompanies that person, either part or all of the way, on an expedition for any of these purposes or supervises a person in accompanying that person.

~~(19)~~ "Wildlife management area" means a site or area designated by the department as a wildlife management area or a wildlife habitat protection area.

### 12.14.105 APPLICABILITY OF COMMERCIAL USE RULES

(1) The following rules shall govern commercial use, as defined in ARM 12.14.101, that occurs on ~~lands under the control, administration, and jurisdiction of the department land and restricted waterbodies. Unless otherwise noted in these rules, these rules apply to fishing access sites, state parks, wildlife management areas, administrative sites, and other lands under the control, administration, and jurisdiction of the department.~~

Montana Fish and Wildlife Commission Meeting

April 10, 2014

Page 10 of 37

(2) The department may apply these rules to leased lands and easements when specific terms, conditions, contracts, or agreements authorize the department ~~has authorization~~ to manage use of these lands. ~~This does not include block management lands or lands under a conservation easement.~~

(3) Noncompliance with the commercial use rules constitutes a violation of commission and board rules and regulations and as such may be punishable by citation and suspension or revocation of commercial use privileges at department sites.

12.14.110 EXCEPTIONS TO APPLICABILITY OF COMMERCIAL USE RULES

(1) These commercial use rules do not apply to commercial activities or uses that are initiated or invited by the department for the purpose of manipulating, enhancing, or otherwise improving the habitat of a site. Such uses shall continue to be governed by the department's land lease-out policy. Examples include but are not limited to livestock grazing, farming, haying, fencing, and timber harvest.

(2) These commercial use rules do not apply to the leasing of department land for communication towers, utility easements, and granting of right-of-way. These types of commercial use shall continue to be governed by the department's land lease-out policy.

(3) These commercial use rules do not apply to the leasing of department oil and gas reserves. These uses shall continue to be governed by the department's oil and gas reserves leasing policy.

(4) These commercial use rules do not apply to the transferring of vehicles or people to or from a department site.

(5) These commercial use rules do not apply to the collection of antlers.

(6) These commercial use rules do not apply to trapping or commercial activities under Title 87, chapter 4, parts 2 through 10, MCA (taxidermists, fur dealers, alternative livestock, shooting preserves, fish ponds, sale of game, menageries and zoos, game bird farms, and fur farms), except commercial dog training and field trials conducted for commercial purposes.

(7) These commercial use rules do not apply to the press or the news media when photographing, filming, or reporting on activities that occur on department land.

(8) These commercial use rules do not apply to consignment sales when the department sells merchandise on behalf of a business and a portion of the revenue is allocated to the department.

(9) These commercial use rules do not apply to commercial activities or uses that are initiated or invited by the department for the purpose of addressing public safety concerns. Examples include but are not limited to hazardous tree removal and fuel reduction efforts to reduce fire danger.

(10) These commercial use rules do not apply to fishing tournaments conducted by nonprofit organizations.

(11) These commercial use rules do not apply to an individual photographer or videographer operating on his or her own without the use of models, props, crew members, or clients.

(12) These commercial use rules do not apply to block management lands.

(13) These rules do not apply to concession contracts as described in ARM 12.14.155.

Montana Fish and Wildlife Commission Meeting

April 10, 2014

Page 11 of 37

12.14.115 GENERAL POLICY

- (1) Department land belongs to the people of Montana and ~~is managed by the department~~ ~~manages these sites and associated resources~~ in trust for the benefit of current and future generations of the people. The department's ~~primary responsibilities are to include~~ maintaining or enhancing the ~~fish, wildlife, natural, cultural, park, and recreational~~ resources ~~for public benefit of these sites and to provide benefits to the public from these sites.~~
- (2) Some types of commercial use can help the department to achieve its resource ~~and visitor use~~ management goals, ~~and/or~~ provide desired services ~~and amenities~~ to the public, ~~and create economic benefits to nearby communities, when properly managed.~~ Commercial use must be ~~properly~~ managed to ~~protect the safety of visitors,~~ prevent or minimize conflicts with the public, ~~prevent adverse impacts to natural and cultural resources,~~ and the ~~other~~ intended purposes of a site.
- (3) Commercial use on department land is a privilege, not a right. Authorization to conduct commercial use may be denied, amended, suspended, or revoked at any time for cause. Historical commercial use of a site does not convey a right to conduct commercial use in the future. If it becomes necessary to ration and allocate commercial use, the department is not required to allocate opportunities based on historical use of a site.
- (4) The department may prohibit, restrict, condition, or otherwise manage commercial use, including placing stipulations on the type, timing, location, duration, and quantity of commercial use. Reasons for prohibiting, restricting, conditioning, or otherwise managing commercial use include but are not limited to:
  - (a) protecting resources or mitigating impacts to resources;
  - (b) preventing or minimizing conflicts with the intended purpose for which the department acquired, maintains, or manages a site;
  - (c) preserving the public's ability to recreate on or otherwise use a site;
  - (d) providing for the public's safety and welfare; or
  - (e) other purposes identified by the department.
- (5) Restrictions, including prohibitions, rationing, and allocation on water-based outfitters and guides on rivers and fishing access sites shall be governed by the department's statewide river recreation rules.
- (6) The purpose and management objectives can vary from one type of department land to another and from one site to another. The public's use and expectations can vary from one type of department land to another and from one site to another. The opportunities to conduct commercial use may be different depending upon where the use would occur, and the department may develop policies that provide additional guidance for managing commercial use ~~at fishing access sites, state parks, wildlife management areas, and other department land.~~
- (7) The department may establish special criteria for a particular site or prohibit commercial use altogether based on the management objectives and conditions of that site.
- (8) The department may prohibit or condition commercial use that would displace the general public. The department may temporarily alter public use opportunities at fishing access sites and state parks to accommodate commercial use on a case-by-case basis in the interest of public safety and security or when there is the potential for short-term conflicts.
- (9) The department must comply with federal aid requirements when authorizing commercial use on department land purchased or managed with federal aid.
- (10) Commercial hunting outfitting is prohibited on all department land and on water bodies that are located entirely within the boundaries of department land. Commercial fishing outfitting is prohibited on all wildlife management areas. The department may authorize commercial use that is solely for the purpose of assisting the public in the retrieval of legally harvested game animals. The department may authorize a commercial hunting outfitter to:
  - (a) travel on a designated trail across department land solely for the purpose of gaining access to publicly owned land where the commercial hunting outfitter is authorized to conduct use; and
  - (b) use a fishing access site solely for the purpose of gaining access to water bodies where the commercial hunting outfitter is authorized to conduct use.

12.14.120 COMMERCIAL USE PERMITS

- (1) A permit is required in advance to conduct commercial use on department lands and restricted waterbodies ~~under the control, administration, and jurisdiction of the department.~~
- (2) ~~The department administers two types of commercial use permits:~~

April 10, 2014

Page 12 of 37

~~(a) — fishing access site permit; and~~

~~(b) — restricted use permit.~~

~~(3) (2)~~ The department may issue a commercial use permit to a person as an individual, or as a representative of an entity or business. When authorizing water-based fishing outfitting or guiding, the department may only issue the permit to a licensed outfitter or guide. The applicant must obtain all other licenses or permits required by state or federal law in order to receive a commercial use permit.

~~(4) — A commercial use permit is not a property right and may be revoked, amended, or suspended at any time for cause. Causes for revoking, amending, or suspending a permit include but are not limited to the following:~~

~~(a) — failure to comply with the commercial use rules;~~

~~(b) — failure to pay required permit fees;~~

~~(c) — falsifying records of use;~~

~~(d) — failure to comply with the terms of the permit;~~

~~(e) — failure to comply with state or federal rules or laws pertaining to resource and land management;~~

~~(f) — failure to obtain other required state or federal permits;~~

~~(g) — impacts on resources or the public; or~~

~~(h) — changing conditions or management objectives at a site.~~

~~(5) — The availability, terms, and conditions of a commercial use permit may vary based on the regulations and management plan in place at the site where the use would occur. The department may issue a citation for failure to comply with the terms of the permit. The department may refuse applications for a permit if the use would occur at a site where commercial use is rationed and there are no additional opportunities to conduct such use.~~

~~(3) — A commercial use permit authorizes the permittee to conduct commercial use subject to the conditions designated on the permit.~~

~~(4) — A commercial use permit is valid for the time period specified on the permit, not to exceed five years. The permit holder may request changes to a multi-year permit through submission of an updated plan of operation or other material.~~

~~(5) — The department may place conditions on the commercial use permit, including but not limited to the type, timing, location, duration, volume of the use, and any other conditions the department deems necessary. The department's statewide river recreation rules shall govern the development of conditions for water-based outfitters and guides on rivers and fishing access sites.~~

~~(6) — The department may require commercial users to report their use of department land. The department may require commercial users to maintain and have on their person for department inspection a logbook for recording commercial use. The department shall include specific reporting requirements as permit or contract stipulations.~~

~~(7) A commercial use permit may only be used by the holder of the permit. The permit holder may not sell, lease, or rent the permit, or otherwise receive compensation from another person for the opportunity to use the permit. The permit holder may hire or contract persons to provide authorized services provided that said persons do not recruit clients, make agreements with clients concerning monetary consideration or services provided, collect~~

April 10, 2014

Page 13 of 37

fees from clients, or advertise any business other than the permitted business when conducting the permitted use. The permit holder is responsible for ensuring that the persons hired or contracted comply with the terms of the permit.

(8) The permit holder may pay an agent to recruit clients, make arrangements with clients concerning monetary consideration or services provided, and collect fees from clients provided that the agent does not conduct the authorized services.

(9) A commercial use permit is not transferable and is void when a business is sold or transferred. Upon the sale or transfer of a permitted business, the person selling the business shall notify the new owner that the new owner is required to obtain a new commercial use permit pursuant to this subchapter.

(10) If the recipient of a commercial use permit sells or transfers in entirety the part of his/her business that is operated under that commercial use permit, the department shall issue a new commercial use permit to the new owner so long as the seller has remitted all fees due to the department and so long as the buyer has obtained all other licenses or permits required by state or federal law and agrees to the terms of the permit. The new permit shall have the same expiration date as the seller's permit.

(11) If the recipient of a commercial use permit sells or transfers in entirety the part of their business that operated under that commercial use permit, any rationed units of use that were previously allocated to the seller shall be reallocated to the new owner of that business. Upon the sale or transfer of a permitted business, the person selling or transferring the business shall notify the new owner that the use of rationed units of use is subject to change pursuant to rules adopted by the commission and that no property right attaches to the rationed units of use.

(12) The recipient of a commercial use permit may not sell, lease, rent, or otherwise receive compensation from another person for the opportunity to use client days or other allocated units of use, temporarily, or permanently except that Smith River outfitters may lease, rent, or otherwise receive compensation from another Smith River outfitter for the opportunity to use a Smith River outfitter launch within a single use season.

#### 12.14.125 FISHING ACCESS SITE PERMIT

(1) An outfitter or water-based service provider must possess and have on their person a valid fishing access site permit when conducting commercial use at fishing access sites, ~~and other department land, except a~~ An outfitter or water-based service provider with a valid ~~restricted commercial use permit~~ for a restricted water body does not need a fishing access site permit to conduct commercial use at fishing access sites ~~and other department land~~ that provide access to that restricted water body.

(2) A guide or person conducting work for a water-based service provider must possess and have on their person a valid fishing access site permit when conducting commercial use at fishing access sites ~~and other department land that provides access to water bodies.~~

(3) ~~The department may issue a commercial use~~ A fishing access site permit ~~that~~ authorizes an outfitter or water-based service provider to conduct commercial use at any fishing access site ~~or other department land~~ in the state that provides access to a nonrestricted water body ~~unless the department specifies that a restricted use permit is required for the site. An outfitter or water-based service provider must obtain a restricted use permit to conduct water-based outfitting at a fishing access site or other department land that provides access to a restricted water body. Such permits shall be referred to as fishing access site permits.~~

(4) ~~The department may issue a~~ A fishing access site permit ~~that~~ authorizes a guide ~~or outfitter's assistant~~, operating under the authority of an outfitter, or a person conducting work for a water-based service provider, to conduct commercial use at any fishing access site ~~or other department land~~ for which the outfitter or water-based service provider is authorized to conduct use.

(5) A fishing access site permit is valid for the time period specified on the permit.

#### 12.14.130 FISHING ACCESS SITE COMMERCIAL USE PERMIT: APPLICATION PROCESS

(1) A commercial use permit application must be submitted to the regional office that oversees the site or sites where the use will occur. If use is proposed for sites located in more than one department administrative region, the application may be submitted to one of the regional offices and the department may issue a single permit to authorize the use.

(2) The completed application shall be submitted at least 45 days before the use is intended to begin unless authorized by the department.

(3) The department will process complete applications. The department may require additional time to process an application if the department determines that an environmental analysis is required.

(4) A fishing access site permit may be obtained at a department regional office or through the department's internet licensing system so long as the applicant provides the required application information and remits the required permit fee.

(5) The department ~~may~~ requires the following when applying for a ~~fishing access site~~ commercial use permit when applicable:

(a) a completed permit application form;

Montana Fish and Wildlife Commission Meeting

April 10, 2014

Page 14 of 37

- (b) an outfitter or guide license number if providing angling services;
- (c) an automated license system number;
- (d) permit fee; ~~and~~
- (e) deposit or damage security bond;
- (~~e~~) (f) proof of insurance that the department judges sufficient to protect the public and the state of Montana from liability and property loss;
- (g) proof of workers' compensation or an independent contractor exemption certificate;
- (h) information explaining how the proposed use would benefit the public's resources or the public's enjoyment of the site; and
- (i) other relevant information in sufficient detail to allow the department to evaluate the nature and impact of the proposed activity, including measures the applicant will use to prevent or mitigate adverse impacts.

12.14.150 ~~RESTRICTED~~ COMMERCIAL USE PERMITTING DECISIONS

(1) The department has discretion over whether to issue a ~~restricted~~ commercial use permit. Permitting decisions are based on the following factors to the extent that they are relevant:

- (a) conformance with laws, rules, policies, management plans, and land use plans;
- (~~b~~) conformance with strategic vision and goals for the department;
- (~~b~~) (~~c~~) contribution to the overall mission, goals, and objectives of the site;
- (~~e~~) (~~d~~) public safety;
- (~~d~~) (~~e~~) conflicts with other users in regard to type of use, timing, duration, location, site capacity, and other similar considerations;
- (~~e~~) (~~f~~) resource impacts to natural and cultural resources ~~and protection;~~
- (~~f~~) (~~g~~) extent to which the public interest is served;
- (~~g~~) (~~h~~) effects on adjacent land;
- (~~h~~) (~~i~~) whether in the past the applicant complied with the terms of his/her permit or other authorization from the department and other agencies;
- (~~i~~) (~~j~~) whether the department has the fiscal and human resources to ~~oversee~~ administer the proposed use; and
- (~~j~~) (~~k~~) such other circumstances that the department finds appropriate.

(2) The availability, terms, and conditions of a ~~restricted~~ commercial use permit may vary based on the regulations and management plan in place at the site where the use would occur. Permitting decisions for commercial use at a wildlife management area must comply with a statewide plan for authorizing and administering commercial use at wildlife management areas. The statewide commercial use plan for wildlife management areas shall:

- (a) identify the types of commercial use that may be authorized;
- (b) establish the general terms and conditions that may be authorized; and

Montana Fish and Wildlife Commission Meeting

April 10, 2014

Page 15 of 37

(c) establish the methods for allocating commercial use permits.

(3) The department's statewide river recreation rules shall govern permitting decisions that would ration, allocate, or otherwise restrict water-based outfitting and guiding opportunities on rivers and fishing access sites. This does not include permitting decisions when the applicant or permit holder has violated the terms of a permit or violated department rules or regulations.

(4) Upon adoption of these rules, the department may continue to issue permits that were established prior to the adoption of these rules. The department shall administer these permits consistent with these commercial use rules.

(5) For permit systems established prior to the adoption of these commercial use rules, when a ~~restricted~~ commercial use permit expires, the department shall review the previously authorized commercial use and may issue a new ~~restricted~~ commercial use permit to the permit holder upon application so long as the applicant complied with the terms of his/her permit or other authorization from the department and other agencies and so long as the applicant complied with the laws, rules, and policies of the department and other agencies. The department may adjust the terms and conditions of the new permit, including the allocated units of use.

(6) For permit systems established after the adoption of these commercial use rules, the department may develop a permit renewal system under which the previous permit holder and other commercial users are eligible to apply for the new permit. The department's statewide river recreation rules shall govern the development of a permit renewal system for water-based outfitting and guiding on rivers and fishing access sites. \_\_

~~(7) The regional park manager shall be responsible for restricted use permitting decisions at state parks and fishing access sites. The regional supervisor shall be responsible for restricted use permitting decisions at wildlife management areas.~~

~~(8) (7)~~ A person who has been denied a ~~restricted~~ commercial use permit or a person whose commercial use permit has been suspended or ~~eaneelled~~ revoked may appeal the permitting decision in writing to the director within 30 days of the date of mailing of the notice of the permitting decision. Persons not appealing within 30 days have waived their right to appeal.

~~(9) (8)~~ The director or the director's designee shall issue a written decision on the appeal. The director's decision is final.

12.14.155 CONCESSION CONTRACT

(1) The department shall waive the requirement to obtain a commercial use permit when the commercial use is authorized through a concession contract. The department may develop a concession contract to authorize a commercial business on department land when the department determines that the concession is needed to meet the management goals or enhance visitor experience for a specific site. Food and beverage concessions are generally not considered necessary for meeting the management goals for fishing access sites and wildlife management areas. ~~The department shall waive the requirement to obtain a commercial use permit when the commercial use is authorized through a concession contract.~~

(2) The department shall honor the terms set forth in contracts established prior to the adoption of these rules. The department shall apply these rules when those contracts ~~expire~~ are renewed.

(3) When developing and administering concession contracts, the department shall follow the state purchasing and contracting guidelines.

12.14.160 COMMERCIAL USE FEES

(1) The department may require payment of fees for conducting commercial use on department land ~~owned or managed by the department~~. Commercial use fees for state parks shall be adopted by the board. ~~Permit~~ Commercial use fees for all other department land ~~pursuant to this rule~~ shall be ~~established through~~ adopted by the commission ~~rulemaking~~. The department ~~shall~~ may establish concession contract fees separately on a case-by-case basis. The commission and board may adjust permit fees as necessary to reflect changes in costs and the market and in situations where the department has an agreement or joint-permit system with other agencies.

~~(2) The department may consider the following when selecting a fee system from the commercial use fee rules:~~

~~(a) the types of commercial use that occur at the site;~~

~~(b) the cost of administering the commercial use permit and monitoring the commercial use;~~

~~(c) the amount of revenue generated by the commercial use fee;~~

~~(d) the overall benefit of the commercial use to visitor enjoyment and experience;~~

~~(e) input from the commercial users;~~

~~(f) consistency with fee systems in place on other department land;~~

Montana Fish and Wildlife Commission Meeting

April 10, 2014

Page 16 of 37

~~(g)~~ consistency with other state and federal fee systems; and

~~(h)~~ other factors identified by the department.

~~(3)~~ Fishing access site permit fees are not refundable.

~~(2)~~ ~~(4)~~ The department has discretionary authority to adjust a ~~restricted~~ commercial use permit fee upward or downward to accommodate the nature of the activity, compensate for site impacts or department staffing needs, or for other unique circumstances pertaining to the permitted activity.

~~(3)~~ ~~(5)~~ The department may adjust commercial use fees on a case-by-case basis for educational groups when the following conditions are met:

(a) the group is from a bona fide institution that meets the definition of an educational group;

(b) the group provides an acceptable written explanation of the educational purpose of the visit; and

(c) the use is not primarily for recreational purposes.

~~(4)~~ ~~(6)~~ The department may adjust commercial use fees on a case-by-case basis when the commercial use permit holder:

(a) donates all proceeds, minus expenses, from the use or event to the management or improvement of fish, wildlife, ~~and~~ or parks, including the maintenance, management, or the improvement or development of facilities; or

(b) donates all proceeds, minus expenses, from the event or activity to a nonprofit organization or charitable cause and is not compensated for the service.

~~(5)~~ ~~(7)~~ The department may adjust commercial use fees on a case-by-case basis for special events involving children under the age of thirteen.

~~(6)~~ ~~(8)~~ The department may adjust commercial use fees on a case-by-case basis for commercial use when the sole purpose of the use is to promote department land and resources.

~~(7)~~ ~~(9)~~ The department may charge a processing fee for recovery of costs associated with preparing an environmental analysis document when processing a permit application.

~~(8)~~ ~~(10)~~ The department may charge a processing fee for recovery of costs associated with issuing a new ~~restricted~~ commercial use permit when a business is sold or transferred.

~~(9)~~ ~~(11)~~ Applicants must pay the required fees by the date specified in the terms of the permit.

~~(10)~~ ~~(12)~~ With approval from the Legislature, the department shall use the permit fees from commercial use at fishing access sites to help support the fishing access site program, river recreation management, and enforcement.

~~(11)~~ ~~(13)~~ The department may retain, amend, or replace an existing fee system.

~~(12)~~ ~~(14)~~ The department may require a minimum annual fee for administering permits or when authorizing commercial use in cooperation with another agency.

~~(13)~~ ~~(15)~~ The department may require a permit holder to pay a fee in advance that is an estimate of the actual amount that will be due by the date specified in the terms of the permit.



Montana Fish and Wildlife Commission Meeting

April 10, 2014

Page 17 of 37

~~(14)~~ (16) The department may suspend or revoke a permit, or assess a penalty fee if the fee is not paid in full by the date specified in the terms of the permit.

12.14.165 RATIONING AND ALLOCATION OF COMMERCIAL USE

(1) The department's statewide river recreation rules shall govern the rationing and allocation of commercial use on rivers, including fishing access sites that provide access to rivers.

(2) ~~The regional park manager or regional supervisor~~ department may recommend that the commission or board ration and allocate commercial use ~~at a state park, wildlife management area, fishing access site~~ on department land that provides access to lakes, or department administrative site. The department may consider the following when making rationing and allocation recommendations to the commission or board:

- (a) laws, rules, policies, management plans, and land use plans for the site;
  - (b) overall mission, goals, and objectives of the site;
  - (c) input from the public;
  - (d) public safety concerns;
  - (e) biological, natural, or cultural resource conditions;
  - (f) social conditions;
  - (g) user conflicts;
  - (h) past performance of commercial users;
  - (i) public demand for commercial use; and
  - (j) other factors as determined by the department.
- (3) The department shall describe what actions have already been taken ~~by the department~~ to address a particular problem or concern, why rationing is necessary, and how rationing of use would address a particular problem or concern.
- (4) To the extent possible, the department must monitor and evaluate commercial use of a site to determine whether rationing is necessary and to assess whether rationing has improved conditions.

4. The rule as proposed to be adopted provides as follows:

NEW RULE 1 SUSPENSION OR REVOCATION OF PERMIT

- (1) A commercial use permit is not a property right and may be suspended or revoked for cause.
- (2) The department may suspend a permit for up to six months. When a permit is suspended, the permit holder may not conduct commercial use authorized by the permit during the period of the suspension. The department shall determine the duration of the suspension, including when the suspension shall go into effect, based on the severity of the violations.
- (3) Causes for suspending a permit include:
  - (a) repeated willful, purposeful, or negligent violation of the commercial use rules or specific river use rules;
  - (b) repeated willful, purposeful or negligent falsification of use records;
  - (c) repeated willful, purposeful or negligent failure to comply with the terms of the permit;
  - (d) acts that negatively limit the opportunities or use by the general public of resources covered under the permit ;
  - (e) acts that are harmful to natural resource values; and

Montana Fish and Wildlife Commission Meeting

April 10, 2014

Page 18 of 37

- (f) acts that endanger the health, safety and welfare of the public.
- (4) When a permit is revoked, the permit is no longer valid and the former permit holder is no longer authorized to conduct commercial use at locations authorized under the revoked permit.
- (5) Causes for revoking a permit include the following:
  - (a) conducting commercial use while a permit is suspended;
  - (b) repeated willful, purposeful, or negligent violation of the commercial use rules or specific river use rules after having been formally placed on suspension;
  - (c) repeated willful, purposeful, or negligent falsification of use records after having been formally placed on suspension; and
  - (d) repeated failure to comply with the terms of the permit after having been formally placed on suspension.
- (6) Upon revocation of a permit, any rationed units of use that were previously allocated to the permit holder are no longer valid and the department may reallocate the rationed units of use to another applicant.
- (7) A person whose permit has been revoked may reapply for a permit after a period of three full use seasons from the date on which the permit was revoked. There is no guarantee that a permit will be available at the time that person reapplies for a permit. Any rationed units of use that were previously allocated to the permit holder for use on a restricted use river will not be reserved.
- (8) A person whose permit has been suspended or revoked may appeal the permitting decision in writing to the director within 30 days of the date of mailing of the notice of the permitting decision. Persons not appealing within 30 days have waived their right to appeal. The director's decision is final.

5. The department proposes to repeal the following rules:

12.14.135 FISHING ACCESS SITE PERMITTING DECISIONS

- (1) There shall be no limit on the number of fishing access site permits issued.
- (2) The regional park manager, in consultation with the regional supervisor, may deny, suspend, or revoke a fishing access site permit for failure to comply with the terms of the permit, violating commission rules and regulations, or other infractions identified by the department. If a nonrestricted water body is reclassified as a restricted water body, a fishing access site permit is no longer valid at the sites that provide access to the restricted water body. The fishing access site permit holder may apply for a restricted use permit to use these sites.

12.14.140 RESTRICTED USE PERMIT

- (1) A restricted use permit is required for the following:
  - (a) outfitter or water-based service provider conducting commercial use at a fishing access site or other department land that provides access to a restricted water body; and
  - (b) all other types of commercial use at a fishing access site, state park, wildlife management area, or department administrative site.
- (2) A restricted use permit authorizes the recipient of the permit to conduct commercial use of the type, and at the locations, designated on the permit.
- (3) A restricted use permit is valid for the time period specified on the permit, not to exceed five years. The department may modify the terms and conditions of the permit at any time. The permit holder may also request changes to a multi-year permit through submission of an updated plan of operation or other material.
- (4) The department may place stipulations on the restricted use permit, including but not limited to the type, timing, location, duration, and volume of the use. The department's statewide river recreation rules shall govern the development of stipulations for water-based outfitters and guides on rivers and fishing access sites.
- (5) The department may authorize the recipient of a restricted use permit to conduct use at more than one location.

April 10, 2014

Page 19 of 37

12.14.145 RESTRICTED USE PERMIT: APPLICATION PROCESS

- (1) A restricted use permit application must be submitted to the regional office that oversees the site or sites where the use would occur. If use is proposed for sites located in more than one department administrative region, the application may be submitted to one of the regional offices and the department may issue a single permit to authorize the use.
- (2) The completed application should be submitted at least 45 days before the use is intended to begin or at least ten days before a special event, filming activity, or incidental commercial use lasting less than five days. The time period required to process applications begins when the applicant has submitted all of the required information. The department may process completed applications received after these time periods on a case-by-case basis. The department may require additional time to process an application if the department determines that an environmental analysis is required.
- (3) The department may require the following when applying for a restricted use permit:
  - (a) a completed restricted use permit application;
  - (b) an outfitter or guide license number if providing angling services;
  - (c) an automated license system number;
  - (d) permit fee;
  - (e) deposit or damage security bond;
  - (f) proof of insurance that the department judges sufficient to protect the public and the state of Montana;
  - (g) proof of workers' compensation and/or an independent contractor exemption certificate;
  - (h) information explaining how the proposed use would benefit the public's resources or the public's enjoyment of the site; and
  - (i) other relevant information in sufficient detail to allow the department to evaluate the nature and impact of the proposed activity, including measures the applicant will use to prevent or mitigate adverse impacts.

If the Commission and the board propose amendments to the commercial use administrative rules, FWP would conduct a public hearing and solicit comments; the Commission and the board will make a final decision after the public comment process.

***Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission propose the amendments to the commercial use administrative rules as recommended by FWP and approved by the State Parks and Recreation Board on April 9, 2014.***

Chairman Vermillion asked for public comments.

Robin Cunningham, Fishing Outfitters Association of Montana (FOAM), inaudible.

Mary Ellen Schnur, MOGA, inaudible.

***Action on Motion: Motion Passed.***

April 10, 2014

Page 20 of 37

**14. 2014 Moose, Sheep, Goat Quotas Outside Biennial Quota Ranges – Proposed**

Quentin Kujala, Wildlife Management Section Chief explained the final biennial quotas for moose, bighorn sheep and mountain goat licenses were adopted in February; the adoption set minimum and maximum numbers of licenses that may be annually issued without additional Commission review for any single license type. Field survey efforts have identified one sheep license type listed below where the prescribed 2014 quota is outside the adopted range and an adjustment to the 2014 quota is proposed for annual adoption; this change would result in an adjusted quota range from 15 to 25. Other changes and/or maintenance of 2013 quotas will take place within the established quota ranges. Approval from the Commission will give public comment opportunity and final adoption will take place at the May 22, 2014 Commission meeting.

Proposed Adjustment to 2014 Sheep License Quota

Increase ewe sheep licenses 622-30 from 10 to 25.

***Action: Commissioner Wetsit moved and Commissioner Tourtlotte seconded the motion that the Commission approve for public comment the proposed adjustment to the annual moose, sheep and goat quotas as proposed by FWP.***

Chairman Vermillion asked for public comment.

***Action on Motion: Motion Passed.***

Quentin Kujala, Wildlife Management Section Chief explained the mountain lion work group currently being formed in Region 2.

Vermillion working group is a great idea, good step forward.

**15. 2014-2015 Bitterroot Mountain Lion Hunting Season – Final**

Quentin Kujala, Wildlife Management Section Chief explained season structures and hunting district boundaries are adopted biennially for most game species. This happens every other year between December and final adoptions in February. For the 2014 and 2015 mountain lion season, structure changes included a transition to male subquotas in Region 1 and a revised definition of the fall/archery quota allocation. At the final adoption meeting in February, a proposed adjustment was made to the Bitterroot lion season. To ensure the public saw the proposed changes, the Commission extended the public review and comment opportunity; public comment ran through 5 p.m., Friday, March 21. Proposed adjustments to the 2014 – 2015 Bitterroot Mountain Lion Hunting Season include:

April 10, 2014

Page 21 of 37

combine lion hunting districts 204, 260, 261 (excluding Missoula Special Management Area), 240, 250 and 270 into a single special lion license area;

hunters holding this license could hunt in all six districts;

the number of special lion licenses offered in this district bundle will be equal to twice the combined quotas in the six districts;

the six districts would retain individual quotas and subquotas and each district would be closed to harvest when quotas or subquotas are met; and

the hybrid season would remain in place, and unchanged.

***Action: Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Commission adopt the final 2014 and 2015 Bitterroot Mountain Lion Hunting Season as presented by FWP except for the elements specifying that the number of special lion licenses offered will be equal to twice the combined quotas on all six districts.***

Commissioner Wolfe gave a lengthy explanation on his thought process for the motion.

Chairman Vermillion explained the past and current history on mountain lion hybrid season and special permits. Establishing a working group is a great idea; willing to give the working group an opportunity to figure out a way to move forward.

Chairman Vermillion asked for public comment.

Nick Gevok, MWF, working group is a good proposal and a diverse group of people; need a Statewide Mountain Lion Management Plan.

Robert Wood, Ravalli County Fish and Wildlife Association (RCFWA), applauds Commissioner Wolfe for working with this situation; big support of science; commending the process.

Mac Minard, MOGA, thanked Commissioner Wolfe for his outreach and effort, supports the structure.

Grover Hedrick, Boulder, concerned who will pick the members of the working group; should be someone outside of FWP or randomly picked from a computer; working group is a great idea.

Rod Bullis, Helena Hunters and Anglers (HHA) and Bitterroot Houndsmen Association (BHA), citizens addressed the Commission within the structure setting process; not fair; decision making time.

Chairman Vermillion stated he understands the frustration; Commission is not doing this to avoid the responsibility of making the

April 10, 2014

Page 22 of 37

ultimate decision; doing this to make sure this decision is sound and with as much public support as possible. There is no change to the season structure with the exception of the quota ratio.

Action on Motion: Motion Passed.

#### **16. 2014 Mountain Lion Quotas – Proposed**

Quentin Kujala, Wildlife Management Section Chief explained with the exception of hunting districts (HD) 121 and 122, the proposed changes represent increases to quotas and/or subquotas; all other HD quotas/subquotas not listed are proposed to be unchanged from 2013 levels. Quotas apply to any legal lion unless otherwise noted and as influenced by female subquotas; rationale includes mountain lion population management accommodating human tolerance, safety, prey populations and hunter opportunity. Formal public comment will run through 5 p.m. Monday, May 29.

#### **PROPOSED CHANGES TO 2014 MOUNTAIN LION QUOTAS**

HD 121: decrease male subquota from 11 to 8

HD 122: decrease male subquota from 6 to 5

HD 300/302/328/329: increase total quota from 4 to 6 any legal lion and the female subquota from 2 to 3

HD 318/335: increase total quota from 4 to 6 any legal lion and the female subquota from 1 to 2

HD 319/341: increase female subquota from 1 to 2 and keep total quota at 4

HD 320/333: increase total quota from 4 to 6 any legal lion and keep female sub-quota at 2

HD 321/332/334: increase total quota from 2 to 3 any legal lion and keep female subquota at 1

HD 322/326/330: increase total quota from 4 to 6 any legal lion and keep female sub-quota at 2

HD 323/324/325/327: increase total quota from 4 to 6 any legal lion and keep female sub-quota at 2

HD 331: increase total quota from 5 to 7 any legal lion and the female subquota from 2 to 3

HD 339/343/388: increase total quota from 6 to 8 any legal lion and the female subquota from 1 to 2

HD 390/391: increase total quota from 6 to 8 any legal lion and increase female sub-quota from 2 to 4

HD 410/417/419/426: increase female quota from 6 to 8 and leave male quota at 3

HD 422/423/424/425/442: increase female quota from 3 to 4 and increase male quota from 9 to 11

HD 530/590: increase total quota from 5 to 8 any legal lion

Region 7: increase the region-wide total quota from 35 to 45 any legal lion

Chairman Vermillion asked why Region 2 is not included in the proposed changes.

Montana Fish and Wildlife Commission Meeting

April 10, 2014

Page 23 of 37

Kujala stated Region 2 provided a proposal and justification for no change at this time; there will be a focus on Region 2 HD's based on the Bitterroot Mountain Lion Working Group and structure discussions.

***Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission to approve for public comment the proposed 2014 lion quotas/subquotas as presented by FWP.***

Chairman Vermillion questioned HD 300/302/328/329 quota increase.

Kujala explained predation issues and low mule deer and bighorn sheep are the main reasoning behind the quota increase.

Howard Burt, FWP Biologist explained it is a difficult district to hunt; several dedicated lion hunters have quit hunting these districts.

Chairman Vermillion asked if the quotas was discussed at the meeting held with lion hunters in Three Forks/Whitehall.

Burt stated very little comment was received.

Kujala explained the mountain lion working group will work under its own direction under the facilitated process and bring back to the Commission in two months.

Chairman Vermillion asked for public comment

Grover Hedrick, study numbers are out of line; look at the court situation, environmental groups are not going to go for this.

Jason Levine, Augusta, does not agree with days and numbers.

Tony Knuckel, Potomac, the cats are not there that the biologists are saying; don't have 30% of the population left.

Gary Koehler, Wenatchee WA, concerned about and disagrees with proposal.

Chairman Vermillion, Commissioner Wolfe and Kohler had a discussion on the mountain lion study.

April 10, 2014

Page 24 of 37

Dr. Mark Albrecht, Bozeman, proposal is not precise

Dan Peterson, BHA, opposes proposal; science is important to management; need to prove first.

Colton Dunty, Seeley Lake, proposal is extremely alarming; FWP is not working with the houndsmen,

Stanford Shrout, Three Forks, disagrees with proposal; leave quotas alone.

Chuck Pyles, BHA, mountain lions are not there; opposes proposal.

Cal Ruark, BHA, people picked for committee need to be random people who are responsible and accountable; opposes proposal; who's responsible for this reckless management.

Les Towner, BHA, opposes proposal.

Rod Bullis, HHA/BHA, challenges proposal for Region 2; opposes proposal; need substantial population.

Robin Bulles, Florence, lion numbers are not there; opposes proposal.

Chairman Vermillion stated the Commission does not have lack of respect to the houndsmen, apologizes for the breach of trust between FWP, Region 2 and houndsmen. Frustrating process hopes people continue being involved.

Commissioner Stuker asked how the working group is formed and are there equal numbers of different individuals.

Kujala stated the group is diverse, science team and will have a facilitator.

Commissioner Tourtlotte asked when can the Commission expect to get information from working group.

Kujala stated within two months.



Montana Fish and Wildlife Commission Meeting

April 10, 2014

Page 25 of 37

Commissioner Tourtlotte asked if the working group is going to look at the issues in the report; very confusing; two sets of numbers that are operating and both are vague; vexing issue; does not like structure.

April 10, 2014

Page 26 of 37

Commissioner Stuker asked for information of what happened and how it was resolved in Region 1.

Chairman Vermillion thanked everyone who came to the meeting to comment on this proposal.

***Action on Motion: Motion Passed.***

#### **17. Paradise Valley Elk Brucellosis Plan – Final**

Quentin Kujala, Wildlife Management Section Chief explained in January 2013, the Commission endorsed elk management recommendations from a citizen working group for application in areas with brucellosis and procedural requirement for annual work plans with an annual review in August. The 2013 work plan included hazing, fencing and dispersal hunts as management actions available for implementation; examples of all three were applied in 2013. While recommendations from the citizen working group identified local working groups, such participation has been most present in the Paradise Valley. A proposed 2014 work plan was presented on August 8, 2013 and was assembled by FWP with input from the statewide working group that met in Bozeman July 2013. The 2014 plan included several modifications based upon 2013 experiences and had a renewed emphasis on local working groups; it was presented in such a way that any work plan refinements developed using local working group could be proposed at a future time. The wildlife subcommittee of the Upper Yellowstone Watershed group has been hosting local deliberations on proposed modifications to the 2014 annual work plan and FWP has been assisting these discussions with MSU Extension providing facilitation and other meeting logistics; the meetings have been open to any interested party. August 2014 there will be review of risk management efforts relative to elk management within the DSA and proposed 2015 work plans. Proposed modifications presented and adopted in February include additional private land fencing and later dates for lethal removals on private land. If approved by the Commission, work plan modifications generated by these Paradise Valley discussions would be available for use in the Paradise Valley in the 2014. Public review and comment on the initial adoption ran through March 21; forty-nine comments were received from the electronic public-comment site with additional email and hard copy comments also submitted and reviewed; public comments include clear opposition to the proposed modifications; expressed concerns by the public; recommendations have been adjusted in an effort to address concerns while still providing additional risk management tools in the Paradise Valley. Paradise Valley Brucellosis 2014 Work Plan Proposed Adjustments: In response to public comment that included significant opposition to the original Paradise Valley brucellosis work plan proposal, please see adjusted final proposal below. Proposal adjustments reflect efforts by FWP to respond to public concern and opposition while also providing additional risk mitigation in the Paradise Valley where there is history of repeat livestock infections in specific areas. Given FWP's charge to manage Montana's wildlife in perpetuity, the department believes these proposed efforts represent a measured approach to risk management that will broadly maintain elk on the landscape and help insulate them against more deleterious management advocacies. In addition to current authorization and conditions for lethal removal of elk for mitigation of brucellosis transmission risk in the Paradise Valley, the following is proposed:

- Elk may be lethally removed from private land within the DSA from May 1 – May 15 only via kill permit. The kill permit shall address care and disposition of any elk carcass.
- A landowner or landowner's agent, a hazer or other FWP staff may take an elk only on private land within the DSA pursuant to these kill permits
- The area Commissioner and Regional Supervisor must jointly authorize these specific kill permits.
- Individual kill permits may not authorize more than three elk for lethal removal. Only one kill permit per landowner may be authorized within this time frame.
- Risk of infection to humans, livestock and other elk will be minimized with careful handling instructions and appropriate gut

April 10, 2014

Page 27 of 37

pile management that depends upon site specific circumstances. To further reduce risk and public concern with the late stage of pregnancy, emphasis shall be given to lethal removal of yearling and bull elk.

- Kill permits may be applied in this time period only if other risk management efforts are not effective at reducing commingling events.
- These kill permits will be used to discourage elk presence to avoid commingling and elk calving on private land in areas with livestock during the risk period.

***Action: Commissioner Stuker moved and Commissioner Wetsit seconded the motion that the Commission adopt the proposed 2014 annual work plan modifications for brucellosis-related elk management tools in the Paradise Valley as presented by FWP.***

Commissioner Wolfe asked if the discussion is referring to livestock producers who have had repeated livestock infections in this fencing portion, where in the Paradise Valley is this area located and is the land strictly private property.

Kujala explained the discussion is generally about those areas with a specific group of wintering elk and associated landownership that have a history of repeat of infections; not necessarily the same landowner but the same area; located by Prey Montana, south of Livingston on the east side of the river; it is specific to private property if the fence went up.

Chairman Vermillion stated four ranches have had infections in that area in the past six-seven years.

Chairman Vermillion and Kujala had a lengthy discussion on the Brucellosis Risk Management Plan.

Chairman Vermillion asked for public comment.

Montana Fish and Wildlife Commission Meeting

April 10, 2014

Page 28 of 37

Tony Schoonen, Skyline Sportsman (SS), any time a permanent fence is put in, it better qualify under the lawful enclosure act; should have been put into a MEP document; people are left in the dark; why are not inoculations being done.

Nick Gevok, MWF, difficult issue, does not meet the intent of the statewide documents; opposed to plan.

Vito Quatraro, Montana Sportsman Alliance (MSA), serious financial problem for landowners, complex issue, science is changing constantly; opposing plan; May 15 time period does not work.

Robert Wood, RCFWA, worried about Big Hole Valley elk summer herds and fencing; need to put more pressure on Wyoming.

Leroy Mehring, SS, plan is flawed; using sportsmen's dollars to take care of stockgrowers problems; fencing will cost a enormous amounts; brucellosis was brought to the states by livestock.

Blake Henning, RMEF, need to work together; strong evaluation; long proponent of wildlife friendly fencing, very complex issue.

Les Castren, SS President, opposes plan with adjustments; low risk of brucellosis being transferred to livestock.

Dr. Mark Albrecht, brucellosis working group member, Commission adopted the fundament objectives, not just working groups; no other state has talked about minimizing the risk of transmission, Montana can be a leader; applauds Quentin for all his work.

Lorrie Thomas, Anaconda Sportsman President, bad and opposes proposal.

Druska Kinkie, Paradise Valley local working group chairman, complex issue; need to move forward and do something; looking for a path forward; made meetings has inviting as possible; brucellosis is a costly disease.

Representative Alan Redfield, Paradise Valley rancher, tired of the public saying the ranchers do not vaccinate; science on vaccine could be better.

Kathryn QannaYahu, inaudible, opposes plan.

Chuck Denowl, United Property Owners of Montana, not a perfect proposal but need to work together; collaborative process; urges to adopt proposal.

Montana Fish and Wildlife Commission Meeting

April 10, 2014

Page 29 of 37

Ron Moody, Lewistown and former FWP Commissioner, recommends to table the motion and direct staff to make a fundamental change to extract any reference from the working group; not a collaborative process.

Dr. Martin Zaluski, DOL, will never be free of controversy, supports recommendations with the understanding that they are limited scope and targeted to the local issue at hand; working group did what they needed to do.

Jim Wisman, Gallatin Wildlife Association (GWA), strongly disagree with any action that allows any lethal elk take after February 15 and fencing projects; need to do EAs on each producer.

JW Westman, Laurel Rod and Gun Club (LRGC), opposes changes; need more education.

Commissioner Wetsit stated there is a lot of opposition; has not heard anything from DOL if they are will to help; opposes motion.

Commissioner Tourtlotte stated no sportsman group supports the proposal; lacking detail; likes changes but not enough information; opposes motion to approve; has two components, could have five.

Chairman Vermillion stated he has heard from sportsmen who express concern and compassion for the situations of landowners when they have a positive test; Department has listened to the public concerns; proposal is narrow in its scope, implications could be broader; process is frustrating

Commissioner Stuker stated he supports the motion; small scale area at this time; could be looking at a worse scenario. Explained twenty years ago he had a false/negative on TB on livestock; know what it like to be quarantined; to do tests that are necessary to find out something that will not put him out of business; took three months to get the required testing done but four years to calm is nerves. Stated if he was a producer in the Paradise Valley and the sportsmen groups block attempts to a solution, he would close his land to any access; not a perfect solution.

Commissioner Wolfe stated this is a specific location; pilot project; Department made signification changes based on public comment; looked specifically at the fencing aspect; supporting as a pilot project and asked the Department to come back to the Commission with modifications in the future; have to start somewhere

April 10, 2014

Page 30 of 37

Chairman Vermillion, Commission Stuker, and Commissioner Wolfe – Aye (3)

Commissioner Tourtlotte and Commissioner Wetsit – Nay (2)

***Action on Motion: Motion passes 3-2***

#### **18. Pine Marten Reintroduction To Belts - Endorsement To Proceed With Full Evaluation**

Quentin Kujala, Wildlife Management Section Chief explained FWP is looking to translocate the American (pine) marten into suitable habitat in the Belt Mountains to establish a resident population. There has been a high level of uncertainty over the past several decades if marten occupied the Little Belts historically or at the present time; a translocation by FWP did occur into the Big Belts in the late 1950s; a handful of observation or track records exist but are unverified and no FWP harvest records have been found; in 1995 a juvenile male was harvested from the adjacent Crazy Mountains to the southeast. The reintroduction would increase species diversity and facilitate American marten range expansion into the mountains of central Montana and could provide another wildlife species in the Belt Mountains. Given the island like nature of the Belts, natural colonization is very unlikely. If endorsed, FWP would formally evaluate this translocation to include an EA; public notice and opportunity for review and comment; landowners, county Commissions, land management agencies and the general public would be provided opportunities to participate.

***Action: Commissioner Stuker moved and Commissioner Wetsit seconded the motion that FWP proceed with a full evaluation of the translocation of American marten to the Belt Mountains.***

***Action on Motion: Motion Passed.***

#### **19. Region 6 Bighorn Sheep Exclusion Area – Proposed**

Quentin Kujala, Wildlife Management Section Chief explained an applied bighorn sheep management strategy is to maintain wide separation between wild sheep and domestic sheep and goats where possible. Region 6 has healthy bighorn populations in the Missouri River Breaks in HD 622 and 680, and a small bighorn sheep population in the HD 620, an island mountain range close to the Missouri River Breaks. While there are currently no domestic sheep near occupied wild sheep habitat, there have been several instances where bighorn sheep, typically young rams, have wandered north well outside of defined bighorn sheep habitat and within the vicinity of domestic sheep herds. To prevent the possibility of commingling and disease transmission between wild and domestic sheep, FWP is proposing to establish a Bighorn Sheep Exclusion Zone which would encompass land well outside of bighorn sheep habitat and in areas domestic sheep are known to occur. Wild sheep that wonder into the exclusion zone could be dispatched by FWP to prevent the possibility of commingling and disease transmission from domestic herds to existing wild bighorn populations. The area encompassed by this exclusion zone would be all lands outside of bighorn sheep HD 680 and deer/elk HDs 621, 622, 631 and 632. In unique circumstances, FWP may authorize a landowner to dispatch a bighorn sheep in this exclusion zone when FWP isn't able to immediately respond. Based on experience, only small numbers of bighorn sheep in isolated circumstances would be lethally removed. To date there has been no formal public comment period associated with this action; this proposal has been vetted through the Region 6 Citizens Advisory Council; discussed with individual landowners and sportsmen. There is high concern over the welfare of bighorn sheep populations in the Missouri River Breaks. If approved, the proposal would move forward for public comment thru 5 p.m., Monday, May 19; any final adoption would take place at the June 12 Commission meeting.

***Action: Commissioner Tourtlotte moved and Commissioner Stuker seconded the motion that the Commission approve the Region 6 Bighorn Sheep Exclusion Zone proposal for public comment.***

April 10, 2014

Page 31 of 37

Chairman Vermillion asked if this has ever been done before.

Kujala stated this is the first map that has been articulated this way; only reflects what the Department has been doing on a case by case basis; with the geography and the lay of the sheep habitat in Region 6, circumstances lend themselves to producing a map.

Chairman Vermillion stated he finds this disturbing; understandings the Departments reasoning.

Commissioner Stuker stated Commissioner Wetsit and himself met with Regional Supervisor Flowers and FWP biologists who have concerns due to the number of sheep that are in those areas and felt it was going to get worse.

Chairman Vermillion asked if this is larger than a function of the fact that the local bighorn sheep population continues to grow, and running out of places to go, without getting into trouble with domestic sheep.

Kujala state yes.

Director Hagener asked why this is being done as an exclusion zone.

Kujala stated the primary motivation is to enhance reduce response time and be more proactive when commingling potentials are identified.

***Action on Motion: Motion Passed.***

April 10, 2014

Page 32 of 37

**20. 2014-2015 Peregrine Falcon Take Allocation – Final**

Ken McDonald, Wildlife Administrator explained the U.S. Fish and Wildlife Service (USFWS) delisted peregrine falcons in 1999 when there were less than 30 known occupied territories in Montana. Monitoring since that time shows continued increases in the number of nesting pairs and production of young, primarily in western Montana. The Montana Peregrine Institute reported 84 occupied nests in 2009 and 108 in 2012. The long term running average of fledged young per successful nest is 1.9. The take proposed is based on 2012 productivity estimate of 203 young fledged and the agreed take of no more than 5 percent of annual productivity described in FWP's 2007 final EA. From 2008 through 2011 a total of 42 falconers applied for 18 permits and five birds were taken. In the 2012-13 biennium, take operated under a 10-bird quota for resident falconers, with one permit for nonresident falconers; seven birds were taken including the allowed nonresident take. FWP received 86 comments in general support of the proposed take; one letter of opposition was received with concerns for the appearance that this sort of 'take' is commercialization of wildlife; no comment on adding the Headwaters State Park nest to the list of sites closed to take. Representatives of the Montana Falconers Association support both the quota system for peregrine take and the nonresident permit allocation.

***Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Commission approve FWP's recommendation to authorize the take of up to 10 peregrine falcons for falconry purposes by residents and one peregrine falcon for falconry purposes by nonresidents during the 2014-2015 take period. I also move to add the nest at Headwaters State Park to the current list of nests closed to take.***

***Action on Motion: Motion Passed.***

**21. Blackleaf Wildlife Management Area (WMA) Addition – Final**

Ken McDonald, Wildlife Administrator explained FWP requested federal aid dollars in 2010 under the USFWS Endangered Species Act Recovery Land Acquisition Habitat Conservation Plan program to purchase interest in land for grizzly bear habitat and species protection. The grant is specific to assisting the recovery effort of the Northern Continental Divide Ecosystem grizzly bear population. This proposal is to secure approximately 320 acres from The Conservation Fund for \$345,000, which is 60 percent of the appraised value; 40 percent would be used as match for the grant. FWP proposes to purchase in fee title approximately 320 acres immediately adjacent to the existing 10,397-acre Blackleaf WMA. The land comprises grasslands intermixed with aspen, wetland and shrubland habitats, providing important year-round grizzly bear habitat, as well as winter range for elk and mule deer. A final EA and Decision Notice have been completed and published, following requisite public involvement. Strong public support has been voiced for this proposal; 14 comments were received, 12 in support, 1 opposed and 1 neutral.

***Action: Commissioner Wolfe moved and Commissioner Tourtlotte seconded the motion that the Commission approve purchase of the approximate 320-acre addition to the Blackleaf WMA.***

JW & Laurie Westman, Park City wonderful area; in full support

Chairman Vermillion thanked the Conservation Fund for the partnership.

***Action on Motion: Motion Passed.***



## **22. Grazing-Farming Leases**

Ken McDonald, Wildlife Administrator gave a brief background on grazing and farming leases and explained in detail the following grazing and farming leases:

### **Canyon Ferry Farming Leases - Final**

Ken McDonald, Wildlife Administrator explained the Canyon Ferry WMA is administered by FWP under the terms of a cooperative agreement with the U.S. Bureau of Reclamation (USBR) for the operation and maintenance of the WMA. This proposal is for the renewal of existing agricultural leases on the WMA, which are designed to produce agricultural crops and provide important wildlife habitat. There are six leases, which are solely hay and grain leases and one bee yard on the WMA; a total of 757 acres contained in the six leases of which, 648.2 acres are actually farmed by the lessee; 148.1 acres on these leases have been developed as wildlife cover; and 38.1 acres are set-aside grain left standing for wildlife, primarily upland game birds. These agricultural leases have been in place for many years and are integrated with habitat enhancements on the WMA including wildlife nesting cover, shrub plantings, and food plots. This has been a very successful program for the lessees who produce a commodity and for the public that uses the area for wildlife viewing and hunting. These leases are all cash leases that include discounts for work conducted to help develop wildlife cover and for set aside grain. Lease rates are based on private agricultural land averages as annually published by the Agricultural Statistics Service for this geographic area. The leases would be re-established for a five-year period (2014-2018). An EA was written to address potential impacts of renewing the agricultural leases on Canyon Ferry WMA; was announced in two newspapers and a 14-day comment period.

### **Beartooth VOEGELES Inc Grazing Lease - Final**

Ken McDonald, Wildlife Administrator explained this is a six-year grazing lease renewal with an adjacent landowner, Voegele's Inc. The lease involves grazing cattle on a 160-acre portion of the Beartooth WMA, specifically the upper Cottonwood Creek area. These 160 acres are not fenced within the WMA boundary, but are fenced within Voegele's Whitetail Prairie pasture; the parcel was received via land trade with the BLM in 1993 for acres along Holter Lake at Log Gulch. FWP has had a successful longstanding grazing lease with Voegele's Inc. on these acres for 21 years. The draft EA was available for public comment from February 28 - March 20; eight

April 10, 2014

Page 34 of 37

comments were received, six positive, two neutral/negative; comments were received from three organized groups (Gallatin Wildlife Association, Safari Club International and Pheasants Forever) with the remainder from private sportspeople. FWP believes the action will continue to provide quality forage for elk, allowing the lessee to use this portion of the WMA and further avoiding the need for three miles of additional fencing.

#### **Haymaker -Final**

Ken McDonald, Wildlife Administrator explained the Haymaker WMA encompasses 1,360 acres, all managed by FWP. The affected area of the proposed action is south facing slopes and large grassy benches which provide winter range for elk, mule deer and white-tail deer currently use the WMA throughout the year. Beginning in 1984, a grazing system was established on the WMA to promote attractive spring and summer green-up vegetation conditions for elk; thereby reducing elk usage of adjacent private property. The proposal is directed at continuing the grazing system through a four-year grazing lease with the Miller Ranch; helping to reduce elk usage of adjacent private property during the winter and spring. Year-round and seasonal forage for elk, mule deer and other big game would be maintained. The proposed lease renewal EA was available for public comment from February 18 - March 14; public input resulted in three email comments, two positive, one neutral/negative. Responses came from one organized group GWA with the remainder from private sportspeople. A decision notice based on public input will be available before the Commission meeting. FWP recommends renewing a four-year grazing lease on the Haymaker WMA; continuation of the proposed grazing plan would use cattle grazing as a management tool to maintain quality forage on the WMA to decrease elk use of adjacent private lands. The lessee would benefit from the availability of early spring pasture for their cattle.

#### **Vandalia - Final**

Ken McDonald, Wildlife Administrator explained the Vandalia WMA is approximately 310 acres of property located 2.5 miles southeast of Hinsdale in Valley County. The property is administered by the Bureau of Reclamation (BOR) and managed by FWP through a Memorandum of Understanding (MOU) between the two agencies. FWP manages the property to benefit wildlife and provide recreational opportunities. The WMA consists of Milk River riparian, native mixed-grass prairie, and wetland habitats. The proposed action is to extend a grazing lease for three years on the WMA, which also incorporates 900 acres of adjacent private rangeland as part of a three-pasture rest-rotation grazing system. This system has been in place for 20 years. Grazed habitats provide attractive green up areas in the spring for deer and help keep vegetation in a productive condition for other wildlife. An EA was released March 11 for public comment period through March 31. The draft EA was made available to the public on the FWP website and an Interested Persons Letter was mailed to surrounding landowners, Valley County Commissioners, and other interested agencies and individuals, informing them of the proposed action and how they could obtain copies of the EA and provide comments. Public notices regarding the EA were also published in both the Glasgow Courier and Phillips County News. A summary of public comments will be included in the Decision Notice in advance of Commission consideration.

Commissioner Wolfe asked when does the cattle come off for the spring rotation and what are the fall dates.

McDonald stated the spring rotation is six weeks and the fall dates are early August - mid September.

#### **Amelia Island**

Ken McDonald, Wildlife Administrator explained the 86-acre Amelia Island WMA was purchased by FWP to maintain a riparian/cropland habitat complex to benefit a diversity of wildlife while enhancing public hunting opportunities. The proposed action is to continue a share-crop arrangement for one year on 30 acres of cropland. The fields in the proposed project area have traditionally been used for agricultural production. The lessee would cultivate, plant, and retain a 75% of the grain crop harvest, leaving the remaining 25% standing for wildlife during winter months. The benefit and purpose of the lease is to provide winter habitat and forage, primarily for wintering pheasants, deer, and turkeys. Standing and harvested crops also benefit migrating waterfowl and a variety of other wildlife species. The EA for the project was released on February 7, with comments accepted through February 28. FWP did not receive any

April 10, 2014

Page 35 of 37

comment in regards to the agricultural lease. FWP issued its decision notice on March 5 in support of the agricultural lease, contingent on Commission approval.

#### **Elk Island**

Ken McDonald, Wildlife Administrator explained the 1,525-acre Elk Island WMA was purchased by FWP to maintain a woodland/cropland complex to benefit a diversity of wildlife while maximizing hunting opportunities, primarily for white-tailed deer and pheasants. The proposal is to renew an agricultural lease agreement with Wade Hagler for three years (2014-2016) on 152 acres of the WMA. The lessee would cultivate, plant, and harvest a portion of the hay/grain crop, leaving 25 percent of crops and 35 percent of irrigated hay standing for wildlife during winter months. The benefit and purpose of the lease is to provide winter habitat and forage, primarily for wintering pheasants, deer, and turkeys. Standing and harvested crops also benefit migrating waterfowl and a variety of other wildlife species. The EA for the project was released on January 7, with comments accepted through February 16; one comment representing one individual in support of the agricultural lease. FWP issued its decision notice on February 26 in support of the agricultural lease, contingent on Commission approval.

#### **Homestead**

Ken McDonald, Wildlife Administrator explained the 1,169-acre Isaac Homestead WMA was purchased by FWP to maintain a riparian/cropland habitat complex to benefit a diversity of wildlife while enhancing public hunting opportunities. The proposal is to continue a share-crop arrangement on 125 acres for one year. The affected fields have traditionally been used for agricultural production. The lessee would cultivate, plant, and 75% of the grain crop harvest, leaving the remaining crop 25% standing for wildlife during winter

April 10, 2014

Page 36 of 37

months. The benefit and purpose of the lease is to provide winter habitat and forage, primarily for wintering pheasants, deer, and turkeys. Standing crops also benefit migrating waterfowl and a variety of other wildlife species. The EA for the project was released on February 7, with comments accepted through February 28; no comments were received. FWP issued its decision notice on March 5 in support of the agricultural lease, contingent on Commission approval.

#### **Seven Sisters**

Seven Sisters WMA was purchased by FWP to maintain a woodland/cropland complex to benefit a diversity of wildlife while maximizing hunting opportunities, primarily for white-tailed deer and pheasants. The proposal is to renew a lease agreement for three years on 323 acres of the WMA with Steve Pust. The lessee would harvest a portion of the hay/grain crop, and leave 25 percent of crops and 35 percent of irrigated hay standing for wildlife. The benefit and purpose of the lease is to provide winter habitat and forage, primarily for wintering pheasants, deer, and turkeys. Standing and harvested crops also benefit migrating waterfowl and a variety of other wildlife species. The EA for the project was released on January 27, with comments accepted through February 16. FWP received four comments representing four individuals. Three comments were in support of the lease and one comment suggested a modification to the proposed lease. FWP issued its decision notice on February 26 in support of the agricultural lease, contingent on Commission approval.

***Action: Commissioner Stuker moved and Commissioner Wetsit seconded the motion that the Commission approve the Canyon Ferry, Beartooth VOEGELES Inc., Haymaker, Vandalia, Amelia Island, Isaac Homestead and Seven Sisters grazing/farming leases per the recommendations of FWP.***

Chairman Vermillion, Commissioner Stuker and McDonald discussed the Beartooth grazing rate.

JW Westman Laurel Rod and Gun Club, certain degree of being uncomfortable with agricultural activities and practices.

***Action on Motion: Motion Passed.***

#### **23. Public Comment – For Issues Not On This Agenda**

JW Westman, Laurel Rod and Gun Club, commends the Department on the wolf plan and numbers.

Nick Gevok, commends FWP on the wolf numbers; Department is doing well on this subject.

***Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion to adjourn the meeting. Motion Carried.***

**The meeting adjourned at 3:26 p.m.**

Montana Fish and Wildlife Commission Meeting

April 10, 2014

Page 37 of 37

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Dan Vermillion, Chairman

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M. Jeff Hagener, Director